



REGIONAL AIR POLLUTION CONTROL AGENCY

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July 30, 2003

U.S. Environmental Protection Agency
EPA West (Air Docket)
1200 Pennsylvania Ave., NW, Room: B108
Mail Code: 6102T
Washington, DC, 20460

RE: Docket ID No. OAR 2003-0079

Dear Sir/Madam:

These comments are provided on behalf of the Regional Air Pollution Control Agency (RAPCA) of Dayton, Ohio in response to the request for comments on the Proposed Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard as published in the *Federal Register* (Volume 68, No. 105) on Monday, June 2, 2003. RAPCA is the local air agency serving the Southwest Ohio counties of Clark, Darke, Greene, Miami, Montgomery, and Preble. This area is currently a maintenance area for the 1-hour ozone standard and measures air quality exceeding the 8-hour standard in Clark, Greene, Miami, and Montgomery counties. We anticipate being designated nonattainment and classified as marginal for the 8-hour standard in April of 2004. One-hour ozone implementation measures in place include stage II vapor control at gasoline dispensing facilities and enhanced inspection/maintenance of vehicles.

RAPCA personnel believe that the attainment/nonattainment designation of an area should be based principally on monitored air quality and should reflect that area's conformance with national air quality standards as set by EPA. Areas which measure violations of the standard must be designated as nonattainment. Because these standards are health-based, the EPA regulatory structure for nonattainment areas should require emission reduction measures which provide for attainment of the health-based air quality standard as expeditiously as possible.

USEPA has requested comments on the list of options it is considering regarding State Implementation Plans (SIPs) to meet the 8-hour standard. The approach EPA has taken in this FR request is confusing and appears to leave open many possibilities for final promulgation. We question whether this approach truly gives commenters a clear proposal on which to base comments. Thus, our first recommendation is that EPA consider the comments received on this notice and then republish a proposal which more clearly identifies EPA's intent with regard to 8-hour ozone SIPs. Such a re-proposal should also include the intended regulatory language.

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RAPCA makes the following recommendations regarding 8-hour ozone implementation plans.

We recommend that EPA proceed with ozone designations and classifications under subpart 2 of the Act. Using a classification system based on a proportional relationship of 8-hour and 1-hour design values, EPA should designate and classify areas based on the severity of their 8-hour ozone nonattainment. Prescribed measures as specified in the act should then apply.

We recommend that EPA require the retention of the maintenance inventories and minimum control requirements in areas previously designated as nonattainment for the 1-hour ozone standard. There should be a clear prohibition of backsliding from emission reductions accomplished. If EPA can accomplish this anti-backsliding while revoking the 1-hour standard in favor of the 8-hour standard, that is acceptable. However, if retention of the 1-hour standard is necessary to prevent backsliding, then we recommend that it be retained.

We recommend that the transportation conformity budgets required and adopted under the 1-hour ozone standard implementation plans be retained, unless they are replaced with 8-hour budgets which are at least as stringent. We do not recommend a build/no build test for any projects.

We recommend that EPA pursue options available to harmonize the designation process, SIP process, and attainment dates for 8-hour ozone and PM_{2.5}. This is especially important with regard to the SIP planning process, as many of the anticipated controls are the same for both ozone and PM_{2.5}.

It is vitally important for EPA to stringently enforce the following rules:

- The Tier 2 motor vehicle emissions standards and sulfur in gasoline requirements (65 FR 6698, February 10, 2000);
- The heavy duty diesel rule (66 FR 5002, January 18, 2001);
- The NO_x SIP call (63 FR 57356, October 27, 1998), and
- The Section 126 rule (65 FR 2674, January 18, 2000).

EPA should maintain Section 173 New Source Review rules for nonattainment areas and for major sources which have a significant impact on downwind nonattainment areas.

EPA should consider implementation of reasonably available control technology (RACT) for all significant sources of VOCs and NO_x nationwide. With nonattainment areas so widespread and transport such an important issue, it appears emissions reductions nationwide would be beneficial. Additionally, nationwide application of RACT would help alleviate some of the current rural-urban inequities.

We recommend that 15% reasonable further progress (RFP) requirements apply for all nonattainment areas unable to demonstrate attainment prior to 2008, but that credits U.S. Environmental Protection Agency
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toward the 15% include national measures and count both VOC and NO_x reductions. Beyond the initial 15%, RFP should apply within geographical nonattainment areas, possibly as large as an entire state or combination of states, such as the ozone transport region.

RAPCA personnel do not support the concept of Early Action Compacts as implemented by EPA. Whereas we believe early reductions should be fully credible and should be encouraged, we do not agree that the designation of areas as nonattainment should be delayed. The most effective incentive for emissions reductions remains the early attainment of the national ambient air quality standard. Areas should pursue early reductions in order to speed the attainment of healthy air quality, not the avoidance of proper designation.

RAPCA personnel do not fully understand or support the concept of Clean Air Development Communities (CADCs). We repeat our comment that the best incentive for relaxed requirements is the attainment of the national ambient air quality standard. Areas which attain the standard are best suited for relaxed requirements.

Finally, it appears that attainment of the 8-hour ozone standard in the eastern half of the United States (and attainment of the PM_{2.5} standard as well), is highly dependent upon substantial emissions reductions from utility boilers (in addition to mobile source measures acknowledged elsewhere in these comments). EPA has acknowledged the need for these emissions reductions from utilities, yet the reductions predicted in the Administration's bill—Clear Skies fall short of those necessary for attainment. We strongly recommend that EPA reconsider the emission reductions necessary from utilities and propose such requirements in legislation (including extended 8-hour ozone and PM_{2.5} attainment deadlines, if such are necessary).

We appreciate the opportunity to comment on this important proposal. Should EPA personnel have any questions on these comments, please contact this writer.

Sincerely,

John A. Paul
Supervisor